

REMARKS

Favorable reconsideration of the present application is respectfully requested.

Claims 1-25 remain active in the application. Of these, Claims 12-14 have been allowed. Moreover, allowable Claims 2 and 16 have been rewritten in independent form. All of the remaining claims, other than Claims 1 and 15, depend from Claims 2 or 16, and so are also believed to be allowable.

Claims 1 and 15 have each been amended to recite that the net member is "movable" and that the brush member or means is movably mounted. Basis for this can be found at page 12, lines 3-7. Since both the net, e.g., the filter 9, and the brush 3 are movable, each can be rotated to control the relative circumferential velocity of the fur brush 3, which provides better control for toner recovery (page 16, lines 20-23).

Claims 1 and 15 were rejected under 35 U.S.C. §102 as being anticipated by the U.S. patent to Yahata, particularly with respect to the description at column 5, line 35 through column 7, line 53. However, Applicants respectfully submit that the amended Claims 1 and 15 clearly define over this reference.

Yahata is directed to a toner sorting device. According to a feature of the reference, a sieve 2a is used to separate usable toner from used toner (column 7, lines 8-16). In order to prevent clogging of the mesh of the sieve, members 4a₂ and 4a₃, which may be fur brushes, contact the surfaces of the sieve. The member 4a₂ is attached to the upper part of the case (column 7, lines 17-18), while member 4a₃ is attached to a pipe unit 2c (column 7, lines 21-23). In each case, while the sieve rotates, *the members 4a₂-4a₃ are fixed*. Thus, Yahata fails to disclose the presently claimed movable net member and movably mounted brush member or means, and so is incapable of providing the process control available through the invention.

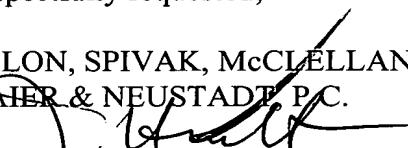
Claim 15 was further rejected under 35 U.S.C. §102 as being anticipated by the U.S. patent to Bernhard. However, the amended claims also define over this reference. The wire screen 105 of Bernhard is supported by the housing 101 (column 4, lines 35-37) and is not movable. Thus, although the brush 108 is movable, the process control available through the claimed feature of a movable net member and movably mounted brush member or means is not available in Bernhard.

Claim 1 was further rejected under 35 U.S.C. §103 as being obvious over Bernhard in view of Thayer. Thayer was cited to teach modifying Bernhard such that the brush fibers slidingly contact the screen member. However, it is noted that the screen 50 of Thayer is fixed, as is the screen 105 of Bernhard. Thus, Thayer can provide no teaching for overcoming the shortcoming of Bernhard with respect to the failure of the primary reference to teach a movable net member in combination with a movably mounted brush member or means. Claim 1 is therefore believed to define over any combination of these references.

Claim 9 has been amended in accordance with paragraph 1 of the Office Action.

Applicants therefore believe that the present application is in condition for allowance and respectfully solicit an early notice of allowability.

Respectfully requested,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Gregory J. Maier
Registration No. 25,599

Robert T. Pous
Registration No. 29,099

Attorneys of Record

James D. Hamilton
Registration No. 28,421

CUSTOMER NUMBER
22850

(703) 413-3000
Fax #: (703)413-2220
GJM:RTP/rac
I:\atty\RTP\219885US-AM.wpd